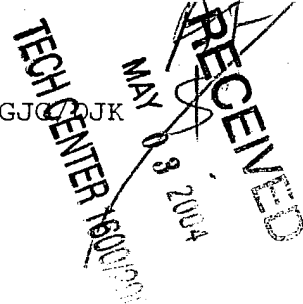


Dkt. 62812-A/JPW/GJC/DJK

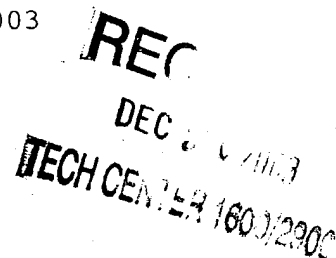


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mitchell Shirvan and Meir Bialer
U.S. Serial No.: 09/932,370 Examiner: San-ming Hui
Filed : August 17, 2001 Group Art Unit: 1617
For : USE OF DERIVATIVES OF VALPROIC ACID AMIDES
AND 2-VALPROENIC ACID AMIDES FOR THE
TREATMENT OR PREVENTION OF PAIN AND/OR
HEADACHE DISORDERS

1185 Avenue of the Americas
New York, New York 10036
December 18, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES AND
PETITION FOR THREE MONTH EXTENSION OF TIME**

Applicants hereby appeal to the Board from the decision of the Examiner mailed June 18, 2003 finally rejecting the pending claims 1-3, 6-24, 26, 27, 30-45, 47-49, 52, 53, 55-73, 76, 77, 79-91 and 93-105 in connection with the above-identified application.

A response to the June 18, 2003 Final Office Action was originally due September 18, 2003.

Applicants are filing this Notice of Appeal and also petition for a three month extension of time to bring the subject application into pending status on the date of filing of this Notice of Appeal. Specifically, a response to the June 18, 2003 Final Office Action was due September 18, 2003. With a three month extension of time, a response to the June 18, 2003

12/24/2003 SZELDT1 00000060 05022370

01 FD-1253
02 FD-140

550.00 OP
330.00 DP

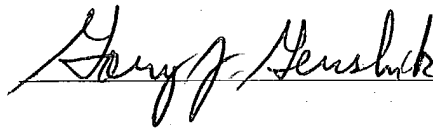
Applicants : Mitchell Shirvan and Meir Bialer
U.S. Serial No.: 09/932,370
Filed : August 17, 2001
Page 2

Final Office Action is due December 18, 2003. The fee for a three month extension of time is \$950.00 and a check including this amount is enclosed. Therefore, a response to the June 18, 2003 Office Action is now due December 18, 2003 and this Notice of Appeal is being timely filed.

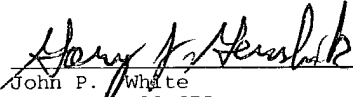
The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a large entity is \$330.00, which amount is also included in the enclosed check.

A check in the amount of \$1280.00 is enclosed to cover the \$330.00 fee for filing a Notice of Appeal and the \$950.00 for the three month extension. No other fee is deemed necessary in connection with the filing of this Notice. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313


John P. White
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

Date

12/18/03

John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400